

REMARKS

Summary

In the subject office action, the Examiner rejected claims 1-4, 7, 9-10, 12-18, 21, 23-24, 26-28 under 35 USC 102(e) as being fully anticipated by Helferich, and claims 5-6, 8, 11, 19-20, 22 and 25 under 35 USC 103(c) in view of Helferich combined with Bossmeyer.

In response, Applicants have amended the claims to more clearly claim the subject invention, making them more clearly patentable over the cited references. All amendments are fully supported by the original disclosure; no new matter has been introduced.

Rejection of claims 1-4, 7, 9-10, 12-18, 21, 23-24, and 26-28

Independent Claim 1 has been amended to recite as follows:

1. A method for providing a response to a request from a wireless device, comprising:
 - receiving the request from the wireless device associated;
 - retrieving primary response data for responding to the request;
 - determining whether secondary data unrelated to responding to the request exists and to be provided to the wireless device;
 - associating the retrieved primary response data with either an indication of the secondary data or at least a portion of the secondary data, and generate an expanded response to the request, including the primary response data, and the portion or indication of the secondary data; and
 - transmitting the expanded response to the request to the wireless device.

Thus, claim 1 now clearly claims a novel method for responding to request, with an automatically expanded response, that includes primary response data to the request, and secondary data unrelated to responding to the request. As described in the specification, an example is automatically responding to a reservation request with reservation information (primary response data) and an indication that a user of the wireless device has email in his/her in box, or the email itself (secondary data).

Helferich is directed towards a wireless messaging system. However, the novel method as claimed is not taught. In rejecting claim 1, the Examiner cited the teachings in paragraph [0046] as having anticipated the limitations of "determining the existence of secondary data", and "associating the secondary data with the primary response data to generate an expanded response". Applicants respectfully disagree, especially in view of the amended language.

Paragraph [0046] merely teaches equipping a email server or a message processor with the ability to perform a sequence of action based on a number of factors, e.g. time of the day, status of a mobile phone etc. For example, the email server/message processor may be equipped to automatically provide a refreshment related advertisement to a mobile phone equipped with a sensor to submit the temperature condition of the mobile phone.

However, the teachings does not anticipate the required limitations of determining the existence of secondary data unrelated to the primary response data of a request, to be provided to the wireless device,

associating the primary response data, and either at least a portion or an indication of the secondary data, and

generating an expanded response including both the primary response data and the portion or indication of the secondary data.

Thus, amended claim 1 is clearly patentable over Helferich.

Independent claims 9, 15 and 23 includes in substance the same distinguishing limitations discussed above for claim 1. Accordingly, for at least the same reasons, claims 9, 15 and 23 are patentable over Helferich.

Claims 2-4, 7, 10, 12-14, 16-18, 24 and 26-28 are dependent on either claim 1, 9, 15, and 23, incorporating its limitations. Therefore, for at least the same reasons, claims 2-4, 7, 10, 12-14, 16-18, 24 and 26-28 are also patentable over Helferich.

Rejection of claims 5-6, 8, 11, 19-20, 22 and 25

Claims 5-6, 8, 11, 19-20, 22 and 25 are dependent on either claim 1, 9, 15, and 23, incorporating its limitations. Therefore, for at least the same reasons, claims 5-6, 8, 11, 19-20, 22 and 25 are also patentable over Helferich.

Epilog and Conclusion

In view of the foregoing, Applicants submit claims 1-28 are in condition of allowance, and early issuance of Notice of Allowance are respectfully requested.


While in the interest of expediting prosecution, Applicants have elected to distinguish the pending claims over Helferich, Applicants' response should not be construed as Applicants agreeing that Helferich is eligible prior art. Applicants hereby explicit reserve the right to either challenge Helferich is not entitled to the Mar. 29, 1999 priority date, or further demonstrate that Applicants have rendered into practice prior to Mar 29, 1999.

Please charge any shortages and credit any overages to Deposit Account No. 500393.

Lastly, Applicants reference a Request for Change of Correspondence Address to Customer No. 25943 as filed on 10/15/02. Applicants note that the change of address is not yet of record in this application and official PTO correspondence continues to be mailed to an incorrect addressee. *Please update your records accordingly.* Should anything further be required in this regard, please contact the undersigned.

Respectfully submitted,
Schwabe, Williamson & Wyatt, PC

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